

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JOEL ANTONIO, acting *in loco parentis* :
to A. DOE, :
Petitioner :

v. :

WOONSOCKET PUBLIC SCHOOLS, :
Respondent :

**ORDER GRANTING REQUEST FOR
INTERIM PROTECTIVE ORDER**

WHEREAS, Petitioner, Joel Antonio (“Antonio”), acting *in loco parentis* to A. Doe, who is fifteen (15) years of age, resides with A. Doe in Woonsocket, Rhode Island; and

WHEREAS, Antonio, who is A. Doe’s maternal uncle, has affirmed that A. Doe’s father, who lives in New York, abandoned A. Doe in 2008 and has refused to accept any responsibility for the child, and that A. Doe’s mother, who resides in the Dominican Republic, placed A. Doe with Antonio in Woonsocket; and

WHEREAS, under relevant statutory law applicable to public school enrollment, “where a child has no living parents, has been abandoned by his or her parents, or when parents are unable to care for their child on account of parental illness or family break-up, the child shall be deemed to be a resident of the city or town where the child lives with his or her legal guardian, natural guardian, *or other person acting in loco parentis to the child*,” RIGL § 16-64-1 (emphasis added); and

WHEREAS, under this same statutory law, “in all other cases a child’s residence shall be determined in accordance with the applicable rules of common law;” and

WHEREAS, under this common law of school residency as interpreted by prior decisions of the Commissioner, a student who is not living with his or her parents is considered a “resident” of that town under § 16-64-1 if he or she is living in the town for a substantial reason other than to go to school there; and

WHEREAS, Respondent, Woonsocket Public Schools (“Woonsocket”), did not admit A. Doe as a student at Woonsocket High School (the “High School”), because based on the information provided, it did not appear to Woonsocket that A. Doe was living in Woonsocket for any reason other than to attend the High School; and

WHEREAS, Antonio has requested entry of an interim protective order pursuant to RIGL 16-39-3.2, and following a pre-hearing conference on September 10, 2014, and on the basis of information presented at the pre-hearing conference, and without prejudice to any position any party seeks to advance at a hearing on the merits (should one be requested), it is hereby found and ordered that:

1. A. Doe resides in Woonsocket, Rhode Island, with a person acting *in loco parentis*, because A. Doe and his mother believe that it is more beneficial to his general well-being and future prospects than living in the Dominican Republic, and A. Doe and his mother want A. Doe to be able to take advantage of the many benefits, social and economic as well as educational, which they believe are available to A. Doe in the United States;
2. A. Doe resides in Woonsocket for a substantial reason or reasons other than his ability to attend the High School;
3. A. Doe shall be considered a resident of Woonsocket within the meaning of RIGL § 16-64-1 and/or under the common law; and
4. Woonsocket shall enroll A. Doe as a student at the High School, forthwith.

ANTHONY F. COTTONE, ESQ.,
as Hearing Officer for the Commissioner

Approved:

DEBORAH A. GIST,
as Commissioner

Dated: as of September 11, 2014

CERTIFICATION

The undersigned hereby certifies that a true and accurate copy of the foregoing Order was provided via electronic mail and First Class mail on this 11th day of September, 2014, to the parties listed below:

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